

# SENATE BILL REPORT

## SB 5719

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As of February 8, 2007

**Title:** An act relating to unsolicited direct mail marketing.

**Brief Description:** Restricting unsolicited direct mail marketing.

**Sponsors:** Senators Kohl-Welles, Weinstein, Honeyford, Kauffman, Delvin, Kline and Rasmussen.

**Brief History:**

**Committee Activity:** Consumer Protection & Housing: 2/08/07.

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### SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

**Staff:** Jacob White (786-7448)

**Background:** Under the consumer protection act unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are declared unlawful.

Currently, if consumers receive unsolicited junk mail, they can have their name removed from a mailing list by writing to the Mail Preference Service, Direct Marketing Association.

**Summary of Bill:** The Attorney General Office (AGO) is directed to establish and maintain a do not mail registry. The registry is a list of consumers who do not wish to receive unsolicited direct mail marketing. The AGO must provide residents with information about the methods for joining the do not mail registry. Consumers may notify the AGO of their intent to join the registry by calling a toll-free number provided by the AGO or by providing notification in any other manner allowed by the AGO. A consumer may be deleted from the registry upon his or her written request. Thirty days after a consumer signs up for the do not mail registry, marketers cannot send unsolicited direct mail.

The registry will be made available to direct mail marketers for a fee by the AGO. A person cannot be held liable for violating the do not mail registry if they have: obtained a copy of the current do not mail registry; properly trained their personnel; maintained proper records; and any subsequent unsolicited direct mail marketing as the result of an error. A violation of the do not mail registry will result in a fine of \$2,000 per violation. The consumer protection act is applied to violating the do not mail registry.

A do not mail registry account is created in the custody of the State Treasurer. The account contains the fees paid for accessing the registry and the account and the funds in the account can only be used for funding the do not mail registry.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.